

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN

AGRIFUND, LLC

a Delaware limited liability company,

Plaintiff,

State of Michigan

Saginaw County Circuit Court

Case No. 25-001371-CK

Hon. Julie Gafkay

v.

U.S. District Court Case No.

FREELAND BEAN AND  
GRAIN, INC,

Hon. \_\_\_\_\_

Defendant.

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ESKAY LAW, PLC

BY: ZACHARY ESKAU (P68643)

Attorneys For Plaintiff

1070 S. COLLON Dr.

Bad Axe, MI 48413

(989) 799-5000

SMITH BOVILL, P.C.

BY: ANDREW D. CONCANNON(P49336)

Attorneys For Defendant

200 St. Andrews Rd.

Saginaw, MI 48638

(989) 792-9641

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**NOTICE OF REMOVAL**

TO: The Judges of the United States

District Court

Eastern District of Michigan

231 W. Lafayette Blvd

Detroit, MI 48226

Clerk of the Court

Saginaw County Circuit Court

111 S. Michigan Ave.

Saginaw, MI 48602

ZACHARY ESKAU (P68643)

Shinners Cook, P.C.

5195 Hampton Pl.

Saginaw, MI 48602

Defendant hereby gives notice of removal of this action from the State Court of Michigan, Saginaw County Circuit Court, pursuant to 28 U.S.C. § 1331, 1332, 1441 and 1446 and expressly reserving all questions other than that of removal, states the following in support of this removal:

1. An action was commenced, and is now pending, in the Saginaw County Circuit Court, State of Michigan, Civil action designated as case no. 25-001371-CK which involves allegations of conversion and the alleged failure to abide by the terms of the federal Food Security Act of 1985, 7 USC 1631, as amended, made by the Plaintiff- a Delaware limited liability company- against the Defendant- a Michigan corporation.

2. A copy of the Summons and Complaint, with its exhibits, are attached as **Exhibit 1** and are incorporated herein and made part of this Notice and constitute all process, pleadings and orders served upon the Defendant in this action.

3. Plaintiff filed its Complaint in the Saginaw County Circuit Court on or about June 24, 2025.

4. A copy of the Complaint was sent to the Defendant and received via Certified Mail on or about July 10, 2025.

5. This Notice of Removal has been filed within thirty (30) days of Defendant's receipt of the Plaintiff's Complaint. This Notice is therefore timely filed pursuant to 28 U.S.C. § 1446 (b) and F.R.C.P 6(a)(1)(A).

6. This is a civil action in which the Plaintiff seeks claims in excess of \$75,000 with respect to monies paid out by the Defendant as a Buyer of crops upon which the Plaintiff claims to have had a superior lien interest. The claim is styled in a state law claim of conversion, but consideration of rights and duties relating to crop liens in this instance are governed by federal law; specifically, the Food Security Act of 1985, 7 USC 1631, as amended.

7. This action is removable to this Court by the Defendant pursuant to 28 U.S.C. § 1331, 1332, 1441 and 1446, and the basis of diversity of citizenship because:

- a. The District Court shall have original jurisdiction of all civil action where the matter in controversy exceeds the sum of or value of seventy-five thousand dollars (\$75,000) exclusive of interest and costs and is between –
  - i. “Citizens of different states.”
- b. The Defendant is a limited liability corporation with its registration in the state of Delaware. See **Exhibit 1**.
- c. The Plaintiff is a corporation registered in the State of Michigan. See **Exhibit 1**.
- d. 28 U.S.C. § 1331 vests this court with original jurisdiction over the federal claims relating to the rights and duties of the parties arising under federal law; in particular, under the Food Security Act of 1985, 7 USC 1631, as amended.

8. Pursuant to 28 U.S.C. § 1441(a), the United States District Court for the Eastern District of Michigan is the Federal District Court for the district embracing the place where the state court suit is pending.

8. Written notice of the filing of this Notice of Removal is being served on the Plaintiff, as of this date.

9. A copy of this Notice of Removal is being filed with the Saginaw County Circuit Court on this date, as required by 28 U.S.C. § 1446(d). The Notice Filing Notice of Removal is attached as **Exhibit 2** herein.

WHEREFORE, the Defendant gives notice the above-entitled action is removed to this, United States District Court for the Eastern District of Michigan, in accordance with the provisions of 28 U.S.C. § 1331, 1332, 1441 and 1446.

Dated: July 17, 2025

SMITH BOVILL P.C.

BY: /S/ **ANDREW D. CONCANNON**

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